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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO DIVISION

**IN RE GOOGLE PLAY STORE
ANTITRUST LITIGATION**

THIS DOCUMENT RELATES TO:

Epic Games Inc. v. Google LLC et al., Case
No. 3:20-cv-05671-JD

Match Group, LLC et al. v. Google LLC et al.,
Case No. 3:22-cv-02746-JD

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Case No. 3:21-md-02981-JD

**STIPULATION REGARDING CLAIMS
OF EPIC GAMES, INC. AND MATCH
GROUP, LLC**

1 WHEREAS, Epic Games, Inc. (“Epic”) filed a Second Amended Complaint (“SAC”)
2 asserting, in Count 4, a *per se* unreasonable restraint of trade under § 1 of the Sherman Act;

3 WHEREAS, Match Group, LLC, et al. (“Match”) filed a First Amended Complaint (“FAC”)
4 asserting, in Count 6, a *per se* unreasonable restraint of trade under § 1 of the Sherman Act;

5 WHEREAS, the parties in this action are submitting a joint proposed amending scheduling
6 order on December 13, 2022, pursuant to this Court’s order on November 15, 2022, MDL Dkt.
7 No. 374.

8 THEREFORE, Epic, Match, and Google stipulate to the following:

- 9 1. With respect to Count 4 of Epic’s Second Amended Complaint and Count 6 of
10 Match’s First Amended Complaint, Epic’s and Match’s *per se* claims are limited to
11 Google’s agreements with the following developers: Activision Blizzard, Inc., Riot
12 Games, Inc. and Supercell.
- 13 2. Neither Epic’s nor Match’s counsel will argue or assert or seek to elicit testimony
14 suggesting that any Games Velocity Program or Apps Velocity Program
15 agreements other than those entered into with Activision, Riot and Supercell were
16 horizontal agreements not to compete that were intended to, and did in fact, prevent
17 the launch of an app store on Android by the counterparty to such agreement and
18 that are per-se illegal under Section 1 of the Sherman Act. For the avoidance of
19 doubt, nothing herein shall prevent Epic or Match from arguing to the jury that any
20 or all GVP and AVP agreements are vertical agreements in restraint of trade that
21 violate Section 1 and/or Section 2 of the Sherman Act (or any antitrust or unfair
22 competition state statute).

1 Dated: December 13, 2022

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E-FILING ATTESTATION

I, Glenn D. Pomerantz, am the ECF User whose ID and password are being used to file this document. In compliance with Civil Local Rule 5-1(h)(3), I hereby attest that each of the signatories identified above has concurred in this filing.

/s/ Glenn D. Pomerantz

Glenn D. Pomerantz